



2013
BOROUGH OF DUMONT
ORDINANCE

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
BROPHY	✓			
CARRICK	✓			
HAYES	✓			
RIQUELME	✓			
STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	6			

Ordinance No. 1467

Date: November 12, 2013

Page: 1 of 3

Subject: Capital Ordinance

Purpose: Approval

Dollar Amount: \$323,292.00 fully funded

Offered by: Stylianos

Seconded by: Zamechansky

Prepared By: Gary Vinci, Borough Auditor

Certified as a true copy of an Ordinance Adopted at 2nd reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly
Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$323,292 FOR ROAD RESURFACING AND REPAIRS TO CURBS AND SIDEWALKS BY THE BOROUGH OF DUMONT AND TO APPROPRIATE \$323,292 FROM GENERAL CAPITAL SURPLUS

BE IT ORDAINED, by the Borough Council of the Borough of Dumont in the County of Bergen, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION 1. The improvement described in Section 2 of this Ordinance is hereby respectively authorized as a general improvement to be made by the Borough of Dumont, New Jersey, for the said improvements or purposes stated in Section 2, there are hereby appropriated the sum of money therein stated as the appropriation made for said improvement or purpose, said sum being inclusive of all appropriations herefore

made thereof and amounting in the aggregate to \$323,292 which is now available from General Capital Surplus.

SECTION 2. The Borough of Dumont, in the County of Bergen, State of New Jersey, is hereby authorized to provide for the following:

Road Resurfacing and Repair of Curbs and Sidewalks	<u>\$323,292</u>
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SECTION 3. It is hereby determined and stated:

- (a) That said purposes are not a current expense. That the same is an improvement which the municipality may lawfully make and that no part of the cost of said improvements have been or shall be specifically be assessed on properties specifically benefited.
- (b) It is not necessary to finance said appropriation by the issuance of obligations by the Borough of Dumont pursuant to the Local Bond Law of the State of New Jersey, for the reason that monies sufficient to cover the appropriation thereof shall be available from General Capital Surplus in the amount of \$323,292.

SECTION 4. The Capital Budget of the Borough of Dumont is hereby amended or established to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing all detail of the amended Capital Budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

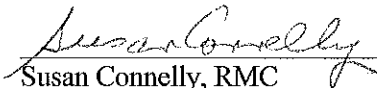
SECTION 5. The sum of \$323,292 is hereby appropriated for the aforementioned purposes.

SECTION 6. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connection with said appropriation, since the gross debt of the municipality, as defined under the Local Bond Law, is not increased by this Ordinance and no obligations in the matter of notes or bonds are authorized by this Ordinance.

SECTION 7. This Ordinance shall take effect after publication thereof and final passage as required by law.

ATTEST:

APPROVED: November 12, 2013


Susan Connelly, RMC
Municipal Clerk


James J. Kelly, Mayor

INTRODUCED: October 1, 2013

ADOPTED: November 12, 2013



**2013
BOROUGH OF DUMONT
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
BROPHY	✓			
CARRICK		✓		
HAYES	✓			
RIQUELME	✓			
STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	5	1		

Ordinance No.	1466 (Previously Tabled)
Date:	November 12, 2013
Page:	1 of 7
Subject:	Phase II Stormwater System Improvements Bond
Purpose:	Approval
Dollar Amount:	\$205,000
Prepared By:	Lisa Gorab, Esq.

Offered by:
Seconded by:

Stylianou
Zamechansky

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly
Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

**BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND
ORDINANCE NUMBER 1375 FINALLY ADOPTED ON FEBRUARY
17, 2009 AS SUPPLEMENTED BY BOND ORDINANCE NUMBER 1407
FINALLY ADOPTED ON SEPTEMBER 21, 2010, TO INCREASE THE
APPROPRIATION THEREIN TO \$4,705,000 AND TO INCREASE THE
AUTHORIZATION OF BONDS OR NOTES OF THE BOROUGH TO
\$4,680,000 TO FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF DUMONT, IN THE COUNTY OF BERGEN, STATE OF NEW

JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The bond ordinance of the Borough of Dumont, in the County of Bergen, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council on February 17, 2009, numbered 1375 and entitled, "BOND ORDINANCE PROVIDING FOR PHASE II OF VARIOUS STORM SEWER SYSTEM IMPROVEMENTS AND VARIOUS SANITARY SEWAGE PUMP STATION REHABILITATION, PROVIDING AN APPROPRIATION OF \$4,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,200,000 BONDS AND/OR NOTES OF THE BOROUGH FOR PAYING THE COST OF SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF DUMONT, IN THE COUNTY OF BERGEN, NEW JERSEY" as supplemented by bond ordinance of the Borough finally adopted by the Borough Council on September 21, 2010 and entitled "BOND ORDINANCE SUPPLEMENTING BOND ORDINANCE NO. 1375 ADOPTED FEBRUARY 17, 2009 TO PROVIDE FOR THE ACQUISITION OF EASEMENTS AND PROPERTY RELATING TO PHASE II OF VARIOUS STORM SEWER SYSTEM IMPROVEMENTS, PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 OF BONDS AND/OR NOTES OF THE BOROUGH FOR PAYING THE COST OF SAID ADDITIONAL IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF DUMONT, IN THE COUNTY OF BERGEN, NEW JERSEY" (collectively, the "Original Ordinance"), is hereby amended and supplemented to the extent and with the effect as follows:

SECTION 2. For the said improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the

additional sum of \$205,000, such that the total appropriation of the Original Ordinance, as amended and supplemented hereby, is equal to \$4,705,000. An additional down payment in the amount of \$10,000 is now available for said improvement or purpose as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law") by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 3(a). In order to finance the additional costs of the said improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, and to meet the said \$205,000 appropriation, additional negotiable bonds or notes of the Borough are hereby authorized to be issued in the principal amount of \$195,000 pursuant to the Local Bond Law, making the total authorization of negotiable bonds or notes to be issued by the Borough for the improvement or purpose stated in the Original Ordinance, as amended and supplemented hereby, equal to the aggregate principal amount of \$4,680,000.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose stated in the Original Ordinance, as amended and supplemented hereby, is equal to \$4,680,000.

(c) The estimated cost of said purpose is 4,705,000.

SECTION 1. In the event the United States of America, the State of New Jersey and/or the County of Bergen make a contribution or grant in aid to the Borough, for the improvement and purpose authorized in the Original Ordinance, as amended and supplemented hereby, and the same shall be received by the Borough *prior* to the issuance of the bonds or notes authorized in Section 2 of the Original Ordinance, as amended and supplemented hereby, then the

amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Bergen. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Bergen, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 of the Original Ordinance, as amended and supplemented hereby, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. The capital budget of the Borough is hereby amended to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the office of the Clerk and will be available for public inspection.

SECTION 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the

bonds or notes provided for in this amendatory and supplemental bond ordinance by \$195,000, and the said obligations authorized by this amendatory and supplemental bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(b) For the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby, an additional sum of \$10,000 is hereby included for items of expense listed in and permitted under N.J.S.A. 40A:2-20, making the total amount for such items of expense equal to \$1,470,000, such total amount being included in the estimated cost indicated herein for the improvement or purpose set forth in the Original ordinance, as amended and supplemented hereby.

SECTION 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by the Original Ordinance, as amended and supplemented hereby. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 8. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, and paid prior to the issuance of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, with the proceeds of such bonds or notes. This Section 8 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section

150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulation Section 1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, used to reimburse the Borough for costs of the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, or funds corresponding to such amounts, will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), to create, within one year, following the reimbursement of any expenditures of bond proceeds, "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1, of the bonds, or any other bond issue, (ii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized in the Original Ordinance, as amended and supplemented hereby, to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, will be issued in an amount not to exceed the aggregate principal amount of \$4,680,000, including the amount of \$195,000 authorized hereby. The costs to be reimbursed with the proceeds of the bonds or notes authorized in the Original Ordinance, as amended and supplemented hereby, will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than

any bonds or notes authorized by this amendatory and supplemental bond ordinance is paid, or (ii) the date the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, is "placed in service" (within the meaning of Treasury Regulation Section 1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 9. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

SECTION 10. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

ADOPTED ON FIRST READING
DATED: November 12, 2013

SUSAN CONNELLY, RMC
Clerk of the Borough of Dumont

ADOPTED ON SECOND READING
DATED: _____, 2013

SUSAN CONNELLY, RMC
Clerk of the Borough of Dumont

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2013.

JAMES J. KELLY, Mayor



**2013
BOROUGH OF DUMONT
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
BROPHY	✓			
CARRICK	✓			
HAYES	✓			
RIQUELME	✓			
STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	6			

Ordinance No. 1468
Date: November 12, 2013
Page: 1 of 2
Subject: LOSAP Ambulance Corps
Purpose: Amendment
Dollar Amount: _____

Offered by: Stylianos
Seconded by: Carrick

Prepared By: Gregg Paster, Esq.

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly
Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

**AMENDING CHAPTER 45, SECTION 6, LENGTH OF SERVICE AWARDS
PROGRAM of the DUMONT CODE**

WHEREAS, the Mayor and Council have been made aware of inconsistencies between policies for LOSAP eligibility for Fire Department members and Ambulance Corps members due to differences in call frequency, training protocols and other issues; and

WHEREAS, the Mayor and Council now wish to reconcile those inconsistencies so as to provide a more equitable LOSAP eligibility policy for volunteer ambulance corps members, to recognize those serving and provide further incentive for continued and new service; and

WHEREAS, it is necessary to amend the section of Chapter 45 of the Borough Code governing the referenced eligibility requirements.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Dumont, in the County of Bergen and State of New Jersey, that Chapter 45, Section 6 LENGTH OF SERVICE AWARDS PROGRAM-CREDITING OF SERVICE of the Borough of Dumont Code shall be amended as hereinafter provided:

Schedule B. Ambulance Corps shall be amended to read:

**Dumont Volunteer Ambulance Corps
Length of Service Award Program
Annual Service Requirements**

Emergency Calls: Each member shall be required to respond to and receive credit for 5% of total dispatched and scheduled calls for the calendar year.

The remainder of Schedule B will remain unchanged.

Invalidity. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Severability. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

BOROUGH OF DUMONT

James J. Kelly, Mayor

ATTEST:

Susan Connelly, RMC
Municipal Clerk

Introduced: November 12, 2013

Adopted: _____, 2013



2013
BOROUGH OF DUMONT
ORDINANCE

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
BROPHY	✓			
CARRICK	✓			
HAYES	✓			
RIQUELME	✓			
STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	6			

Ordinance No. 1469
Date: November 12, 2013
Page: 1 of 2
Subject: Columbia Field
Purpose: Rename it "Dawn M. Totten Memorial Field at Columbia Park"

Offered by: Zamechansky
Seconded by: Brophy

Dollar Amount: _____
Prepared By: Gregg Paster, Esq.

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly
Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

An Ordinance of the Borough of Dumont, County of Bergen, State of New Jersey

ORDINANCE RENAMING COLUMBIA FIELD "DAWN M. TOTTEN MEMORIAL FIELD AT COLUMBIA PARK"

WHEREAS, it is the express purpose of this ordinance to rename the softball field at the corner of Columbia Avenue and Johnson Avenue, currently named "Columbia Field," after Dawn M. Totten in memory and gratitude for her years of dedicated service to the Borough of Dumont; and

WHEREAS, Dawn M. Totten served her community in her capacity as Recreation Coordinator and Parks and Recreation Director, and has been responsible for many holiday festival traditions treasured by the Borough; and

WHEREAS, Dawn M. Totten succumbed after a two year battle with cancer, passing away on October 23, 2013; and

WHEREAS, the Mayor and Council of the Borough of Dumont now wish to honor Dawn's commitment and service, and to forever remind the Borough and its residents of the positive impact that Dawn left upon the Parks and Recreation Department and the Borough of Dumont.

THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Dumont, in the County of Bergen and State of New Jersey, that the field known currently as "Columbia Field" be renamed in the honor and memory of Dawn, "Dawn M. Totten Memorial Field at Columbia Park."

BE IT FURTHER ORDAINED, that upon adoption on second reading of this Ordinance, that fully conformed copies shall be served upon the Dumont Recreation Commission and the surviving family members of Dawn Totten.

BOROUGH OF DUMONT

James J. Kelly, Mayor

ATTEST:

Susan Connelly, RMC
Municipal Clerk

Introduced: November 12, 2013
Adopted: _____, 2013